

ARTICLE 89B.

STATE ROADS.

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| <ol style="list-style-type: none"> 1. Head of Department of Public Works. 2. Appointments; removal; records; report; by-laws; duties. 3. Sale of lands or bridges no longer needed. 4. Powers and duties of Commission; condemnation; easements of United Railways and Electric Company. 5. Condemnation where owner unknown. 6. Turnpikes; county roads. 7. Procedure for construction or repair; bids. 8. Highways to be kept in condition; names; distances and directions. 9. Commission to maintain certain county roads; use of lateral road gasoline tax for debt service, maintenance or construction of roads; Baltimore City's share. 10-14. Payments to certain towns. | <ol style="list-style-type: none"> 15-19. Expenditure of funds on county roads, etc. 20. Reports to County Commissioners. 21. Permit for laying pipes, placing poles, etc. 22. Damaging new road bed; injury to materials or structures; removing lights, etc. 23. Removing gravel, etc. 24. Construction or acquisition of bridges to connect highways. 25. Stone crushing plant. |
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Grade Crossings.

- 26-30. Grade crossing elimination; damages; grade crossing in Cumberland.
31. Removing water or sewer pipes.
32. Removal of telegraph, telephone, gas lines, etc.

The state highway between Annapolis and Baltimore City was named the Ritchie Highway by ch. 336, Acts of 1937, in order to perpetuate his name as the Governor of Maryland for fifteen years.

Ch. 380, 1937, directed the State Roads Commission to cancel the debit balances against Calvert, Kent and Montgomery Counties.

Ch. 346, 1939, authorized the State Roads Commission to expend \$40,000 from its Maintenance and Reconstruction Fund for completing State Highway Planning Survey and to accept any Federal funds available for this work.

Ch. 422, 1939, directed the State Roads Commission to allocate certain gasoline tax funds in excess of amount estimated in State Budget to the several counties of the State.

Ch. 496, 1939, authorized the State Roads Commission to take over and maintain certain bridges in Anne Arundel County.

For prohibition against driving live stock on improved highways, see art. 58, sec. 51, *et seq.*

Certain acts relative to "State Road No. 1," referred to in deciding that an obstruction of a highway is a common nuisance, and the remedy is by indictment and not by injunction unless plaintiff has suffered some special damage different in kind from that experienced in common with others. When court will interfere by injunction. *B. & O. R. R. Co. v. Gilmer*, 125 Md. 616.

While the courts have power to prevent commission from diverting funds appropriated by legislature for one road to construction of another, to justify such action it would have to be very clearly shown that the funds were being improperly used. Action of commission upheld. *Magruder v. State Roads Commission*, 125 Md. 526.

The state roads commission is a *quasi* corporation: its powers and duties. For all matters within scope of its duties and obligations commission may sue and is liable to be sued. When state roads commission purchased Conowingo bridge under this section it had power to sue for rental due by a telegraph company under a contract with bridge company for stringing its wires, etc., along said bridge. *State Roads Commission v. Postal Tel. Co.*, 123 Md. 76.

A telegraph company which had been paying rental for use of Conowingo bridge was not entitled to free use of such bridge because it was purchased by state roads commission; commission may recover for use of bridge if state could. See notes to art. 23, sec. 295. *Postal Tel. Co. v. State Roads Commission*, 127 Md. 245.

Power given by act 1910, ch. 217, to make contracts for construction of state roads, carries with it implied power to complete construction in case of default of contractor, without readvertising and without new bond, surety having assented. Provisions of contract. *Howard County v. Matthews*, 146 Md. 555.